

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Daniel J. Stallone, Code Compliance Official: 797-1121

SUBJECT: Resolution

AFFECTED DISTRICT: District 1

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIEN IN CASE NO. 95-126 FROM \$47,300. IN AMOUNT TO \$1,000.; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: The property owner was cited for litter and overgrowth. The violations have been corrected at this time and mitigation is now acceptable.

PREVIOUS ACTIONS: Not applicable.

CONCURRENCES: The respondent agreed with the recommendation of the Special Master.

FISCAL IMPACT: Not applicable.

RECOMMENDATION(S):

Staff recommendation:

1) The Code Compliance Division's recommended mitigation amount, as per our approved guidelines, equals \$8,277.19 with 45 days to pay the mitigated amount.

Special Master recommendation:

2) The Special Master's recommended mitigation amount of \$1,000 may be considered by the Town Council and, if approved, the respondent given 45 days to pay the mitigated amount.

Attachment(s): Resolution, Mitigation Request Summary and Special Master recommendation.

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIEN IN CASE NO. 95-126 FROM \$47,300 IN AMOUNT TO \$1,000; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, H and M Properties through applicant George McKee, requested a mitigation of a Code Compliance lien from \$47,300 to \$1,000; and

WHEREAS, the Town of Davie Code Compliance Division has determined that the violation of Code Sections 9-51(a) and 9-51(b) were corrected; and

WHEREAS, the Town of Davie Code Compliance Division mitigation guidelines proscribed a mitigation amount equal to \$8,277.19; and

WHEREAS, the Town of Davie Code Compliance Special Master suggested that based upon mitigating circumstances, the mitigation of the original lien be from \$47,300 to \$1,000; and

WHEREAS, H and M Properties through applicant George McKee, and the Town of Davie Code Compliance Division are agreeable to such mitigation.

WHEREAS, the Town Council is agreeable to such mitigation.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. That the certain Code Compliance lien arising out of Case 95-126 in the amount of \$47,300, against H and M Properties, is hereby mitigated in amount to \$1,000.

SECTION 2. That this mitigated amount of \$1,000 be paid to the Town within 45 days of the enactment of this Resolution. Should this amount of \$1,000 not be paid within the specified time the lien shall revert to the original amount of \$47,300.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2002

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2002

MITIGATION REQUEST SUMMARY

DATE: April 17, 2002

NAME: H and M Properties

ADDRESS: vacant lot in the 3100 block of NW 78 Terrace

CASE: 95-126

SUMMARY:

Date respondent cited:	April 26, 1995
Date of Final Order:	June 12, 1995
Non-Compliance Hearing(s):	September 5, 1995
Fine/Lien(s) Imposed:	\$14,800
	December 11, 1995
	\$32,500

Date of Mitigation Hearing by Special Master:	June 4, 2002
Mitigation amount recommended by Special Master	\$ 1,000
Amount the respondent desires to pay:	\$ 1,000

The property owner was cited for the following violations of the Town of Davie Code:

- 1) Section 9-51(a): Litter
- 2) Section 9-51(b): Overgrowth

At this time, the violations have been fully corrected and mitigation is possible.

Staff recommendation:

1) The Code Compliance Division's recommended mitigation amount, as per our approved guidelines, equals \$8,277.19 with 45 days to pay the mitigated amount.

Special Master recommendation:

2) The Special Master's recommended mitigation amount of \$1,000 may be considered by the Town Council and, if approved, the respondent given 45 days to pay the mitigated amount

DANIEL J. STALLONE
CODE COMPLIANCE OFFICIAL

LAW OFFICES
ALAN L. GABRIEL

INTERNATIONAL BUILDING * PENTHOUSE EAST
2455 EAST SUNRISE BOULEVARD
FORT LAUDERDALE, FLORIDA 33304-3119

ALAN L. GABRIEL
LARA J. EDELSTEIN [□]
JONATHAN C. SHAMRES [†]

TELEPHONE (954) 561-2230
FACSIMILE (954) 561-7489
E-MAIL agabriel24@aol.com

[□] Also Admitted in Georgia
[†] Of Counsel

June 5, 2002

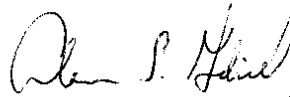
Daniel Stallone, Code Enforcement Supervisor
TOWN OF DAVIE
6591 S.W. 45th Street
Davie, Florida 33314-3399

RE: Mitigation Request for Code Enforcement Case No. 95-126
TOWN OF DAVIE v. H and M PROPERTIES

Dear Mr. Stallone:

At the Town of Davie Special Master Hearing held on June 4, 2002, the above referenced Mitigation Request was heard. Upon testimony heard and the evidence received, it is my recommendation, as Special Master and after having considered the special considerations and findings regarding this matter, that the Town of Davie Council accept the request for mitigation from the original Code Enforcement lien amount of \$47,300.00 to the reduced sum of \$1,000.00 upon the Applicant meeting the following terms and conditions:

1. That the Quit Claim Deed executed by John R. Morris, President of H and M Properties (the Property Owner) conveying the subject property to George McKee (the Applicant) be recorded in the public records of Broward County, Florida; and
2. That Mr. McKee provide a certified copy of the recorded Quit Claim Deed to the Town Clerk.



ALAN L. GABRIEL, Esquire
Special Master

ALG/kgc/davie/95-126.mit

A:\#95-126.Mit.doc